

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

**PHOENIX CAPITAL GROUP
HOLDINGS, LLC,**

Plaintiff,

v.

INCLINE ENERGY PARTNERS, L.P.

Defendant.

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Case No. 1:23-cv-00209

**DEFENDANT’S MOTION TO DISMISS BASED ON ABSTENTION, OR
ALTERNATIVELY, MOTION TO TRANSFER VENUE**

Defendant, Incline Energy Partners, L.P. (“Incline”), by and through its undersigned counsel, hereby moves this Court for an order under Rule 12(b)(1) of the Federal Rules of Civil Procedure and *Colorado River* abstention to abstain from exercising its jurisdiction and dismiss the Complaint or stay this case, or, alternatively, to transfer venue to the United States District Court for the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1404(a). In support of this motion, Incline incorporates the accompanying Brief in Support of Defendant’s Motion to Dismiss Based on Abstention, or Alternatively, to Transfer Venue.

Dated this 28th day of November, 2023.

Respectfully submitted,

By: /s/ Charlene C. Koonce

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